



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

KMT:MKP/TH/MJL
F. #2017R01840

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 16, 2019

By ECF

The Honorable Nicholas G. Garaufis
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Keith Raniere
Criminal Docket No. 18-204 (S-2) (NGG)

Dear Judge Garaufis:

The government respectfully submits this letter to request that one line in the Court's draft jury charge of June 15, 2019 be removed. The sentence, which was included in the government's proposed instructions but not in the defendant's, reads, "Of course, the Government does not need to prove that the intended victim was actually harmed; only that the Defendant intended to harm the victim by obtaining money or property." (See Court's Proposed Instructions, 123-124.) The line does not appear in Sand, Instructions ¶ 44.01. Because, in the context of the wire fraud statute, the contemplated harm to the victims is the

deprivation of money or property, this instruction may misleadingly suggest that proof of some additional “harm” is required. Therefore, the government respectfully requests that the sentence be removed.

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